

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

SEP 24 2004



Docket Number: 0024.04 CON Application Number: 10/815,527

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 4/1/2004 Group Art Unit: Not Yet Known

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
M	1.	02/09/1965	3,169,095	Thiel et al.			
	2.	02/02/1971	3,560,607	Hartley			
	3.	05/27/1980	Re. 30,285	Babington			
	4.	09/15/1987	4,693,868	Katsuda et al.			
	5.	11/24/1987	4,708,151	Shelar			
	6.	12/22/1987	4,714,082	Banerjee et al.			
	7.	07/12/1988	4,756,318	Clearman et al.			
	8.	05/29/1990	4,928,714	Shannon			
	9.	02/05/1991	4,989,619	Clearman et al.			
	10.	05/28/1991	5,019,122	Clearman et al.			
	11.	06/04/1991	5,020,548	Farrier et al.			
	12.	07/01/1991	5,027,836	Shannon et al.			
	13.	07/23/1991	5,033,483	Clearman et al.			
	14.	08/27/1991	5,042,509	Banerjee et al.			
	15.	10/29/1991	5,060,666	Clearman et al.			
	16.	11/26/1991	5,067,499	Banerjee et al.			
	17.	12/31/1991	5,076,292	Sensabaugh, Jr. et al.			
	18.	03/31/1992	5,099,861	Clearman et al.			
	19.	02/14/1995	5,388,574	Ingebrethsen			
	20.	08/13/1996	5,544,646	Lloyd et al.			
	21.	12/09/1997	5,694,919	Rubsamen et al.			
	22.	04/07/1998	5,735,263	Rubsamen et al.			
	23.	06/02/1998	5,758,637	Ivri et al.			
	24.	06/29/1999	5,915,378	Lloyd et al.			
M	25.	08/10/1999	5,934,272	Lloyd et al.			

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DATE CONSIDERED:

*10/28/04*

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M	26.	09/28/1999	5,957,124	Lloyd et al.			
	27.	10/05/1999	5,960,792	Lloyd et al.			
	28.	08/01/2000	6,095,134	Sievers et al.			
	29.	08/01/2000	6,095,153	Kessler et al.			
	30.	08/15/2000	6,102,036	Slutsky et al.			
	31.	07/15/2003	6,591,839	Meyer et al.			
	32.	09/06/2001	US 2001/0020147	Staniforth et al.			
	33.	03/28/2002	US 2002/0037828	Wilson et al.			
	34.	05/16/2002	US 2002/0058009	Bartus et al.			
	35.	07/04/2002	US 2002/0086852	Cantor			
	36.	08/22/2002	US 2002/0112723	Schuster et al.			
	37.	11/28/2002	US 2002/0176841	Barker et al.			
	38.	01/02/2003	US 2003/0004142	Prior et al.			
M	39.	02/13/2003	US 2003/0032638	Kim et al.			

RELATED ALEXZA MOLECULAR DELIVERY CORPORATION PATENT DOCUMENTS

M	40.	08/04/2003	10/633,876 /	Hale et al.			
	41.	08/04/2003	10/633,877 /	Hale et al.			
	42.	12/30/2003	10/749,537 /	Rabinowitz et al.			
	43.	12/30/2003	10/749,539 /	Rabinowitz et al.			
	44.	01/27/2004	10/766,149 /	Rabinowitz et al.			
	45.	01/27/2004	10/766,279 /	Rabinowitz et al.			
	46.	01/27/2004	10/766,566 /	Rabinowitz et al.			
	47.	01/27/2004	10/766,574 /	Rabinowitz et al.			
	48.	01/27/2004	10/766,634 /	Rabinowitz et al.			
	49.	01/27/2004	10/766,647 /	Rabinowitz et al.			
	50.	01/28/2004	10/767,115 /	Rabinowitz et al.			
	51.	01/29/2004	10/768,205 /	Rabinowitz et al.			
	52.	01/29/2004	10/768,220 /	Rabinowitz et al.			
M	53.	01/29/2004	10/768,281 /	Rabinowitz et al.			

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M	54.	01/29/2004	10/768,293 ✓	Rabinowitz et al.			
1	55.	01/30/2004	10/769,046 ✓	Rabinowitz et al.			
	56.	01/30/2004	10/769,051 ✓	Rabinowitz et al.			
	57.	01/29/2004	10/769,157 ✓	Rabinowitz et al.			
	58.	01/29/2004	10/769,197 ✓	Rabinowitz et al.			
	59.	02/09/2004	10/775,583 ✓	Rabinowitz et al.			
	60.	02/09/2004	10/775,586 ✓	Rabinowitz et al.			
	61.	03/03/2004	10/791,915 ✓	Hale et al.			
	62.	03/03/2004	10/792,001 ✓	Rabinowitz et al.			
	63.	03/03/2004	10/792,012 ✓	Hale et al.			
	64.	03/03/2004	10/792,013 ✓	Rabinowitz et al.			
	65.	03/03/2004	10/792,096 ✓	Hale et al.			
	66.	03/03/2004	10/792,239 ✓	Hale et al.			
	67.	03/31/2004	10/813,721 ✓	Rabinowitz et al.			
	68.	03/31/2004	10/813,722 ✓	Rabinowitz et al.			
	69.	03/31/2004	10/814,690 ✓	Rabinowitz et al.			
	70.	03/31/2004	10/814,998 ✓	Rabinowitz et al.			
	71.	04/01/2004	10/816,407 ✓	Rabinowitz et al.			
	72.	04/01/2004	10/816,492	Rabinowitz et al.			
	73.	04/01/2004	10/816,567 ✓	Rabinowitz et al.			
	74.	08/04/2004	10/912,462	Hale et al.			
	75.	01/23/2003	US 2003/0015196	Hodges et al.			
	76.	04/03/2003	US 2003/0062042	Wensley et al.			
	77.	11/13/2003	US 2003/0209240	Hale et al.			
	78.	01/02/2003	US 2003/0000518	Rabinowitz et al.			
	79.	01/09/2003	US 2003/0005924	Rabinowitz et al.			
	80.	01/09/2003	US 2003/0005925	Hale et al.			
	81.	01/09/2003	US 2003/0007933	Rabinowitz et al.			
	82.	01/09/2003	US 2003/0007934	Rabinowitz et al.			
M	83.	01/16/2003	US 2003/0012737	Rabinowitz et al.			

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M	84.	01/16/2003	US 2003/0012738	Rabinowitz et al.				
	85.	1/16/2003	US 2003/0012740	Rabinowitz et al.				
	86.	01/23/2003	US 2003/0015189	Rabinowitz et al.				
	87.	01/23/2003	US 2003/0015190	Rabinowitz et al.				
	88.	01/23/2003	US 2003/0017114	Rabinowitz et al.				
	89.	01/23/2003	US 2003/0017115	Rabinowitz et al.				
	90.	01/23/2003	US 2003/0017116	Rabinowitz et al.				
	91.	01/23/2003	US 2003/0017117	Rabinowitz et al.				
	92.	01/23/2003	US 2003/0017118	Rabinowitz et al.				
	93.	01/23/2003	US 2003/0017119	Rabinowitz et al.				
	94.	01/23/2003	US 2003/0017120	Rabinowitz et al.				
	95.	1/30/2003	US 2003/0021753	Rabinowitz et al.				
	96.	01/30/2003	US 2003/0021754	Rabinowitz et al.				
	97.	01/30/2003	US 2003/0021755	Hale et al.				
	98.	02/20/2003	US 2003/0035776	Hodges et al.				
	99.	05/15/2003	US 2003/0091511	Rabinowitz et al.				
	100.	05/27/2004	US 2004/010148	Hale et al.				
	101.	07/31/2003	US 2003/0138382	Rabinowitz				
	102.	11/06/2003	US 2003/0206869	Rabinowitz et al.				
	103.	01/15/2004	US 2004/0009128	Rabinowitz et al.				
	104.	05/20/2004	US 2004/0096402	Hodges et al.				
	105.	05/27/2004	US 2004/0099269	Hale et al.				
	106.	06/03/2004	US 2004/0105818	Hale et al.				
	107.	06/03/2004	US 2004/0105819	Hale et al.				
	108.	07/01/2004	US 2004/0126326	Rabinowitz et al.				
	109.	07/01/2004	US 2004/0126327	Rabinowitz et al.				
	110.	07/01/2004	US 2004/0126328	Rabinowitz et al.				
	111.	07/01/2004	US 2004/0126329	Rabinowitz et al.				
	112.	07/01/2004	US 2004/0127481	Rabinowitz et al.				
M	113.	07/01/2004	US 2004/0127490	Rabinowitz et al.				

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M	114.	08/12/2004	US 2004/0156788	Rabinowitz et al.	/	/	
	115.	08/12/2004	US 2004/0156789	Rabinowitz et al.	/	/	
	116.	8/12/2004	US 2004/0156790	Rabinowitz et al.	/	/	
M	117.	08/12/2004	US 2004/0156791	Rabinowitz et al.	/	/	

#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
M	118.	03/14/1990	EP 0 358 114 ✓	Europe	/	/	
	119.	07/03/2001	EP 1 080 720 ✓	Europe	/	/	
	120.	08/29/2001	EP 0 606 486 ✓	Europe	/	/	
	121.	06/13/1991	WO 91/07947 ✓	WIPO			
	122.	04/16/1992	WO 92/05781 ✓	WIPO			
	123.	04/11/1996	WO 96/09846 ✓	WIPO			
	124.	05/09/1996	WO 96/13161 ✓	WIPO			
	125.	05/09/1996	WO 96/13290 ✓	WIPO			
	126.	05/09/1996	WO 96/13291 ✓	WIPO			
	127.	05/09/1996	WO 96/13292 ✓	WIPO			
	128.	10/03/1996	WO 96/30068 ✓	WIPO			
	129.	10/10/1996	WO 96/31198 ✓	WIPO			
	130.	08/07/1997	WO 97/27804 ✓	WIPO			
	131.	05/28/1998	WO 98/22170 ✓	WIPO			
	132.	07/23/1998	WO 98/31346 ✓	WIPO			
	133.	08/27/1998	WO 98/36651 ✓	WIPO			
	134.	04/08/1999	WO 99/16419 ✓	WIPO			
	135.	12/16/1999	WO 99/64094 ✓	WIPO			
	136.	01/06/2000	WO 00/00176 ✓	WIPO			
M	137.	01/06/2000	WO 00/00215 ✓	WIPO			

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M	138.	05/18/2000	WO 00/27363 ✓	WIPO			
	139.	05/25/2000	WO 00/29053 ✓	WIPO			
	140.	09/17/2000	WO 00/47203 ✓	WIPO			
	141.	11/02/2000	WO 00/64940 ✓	WIPO			
	142.	11/09/2000	WO 00/66084 ✓	WIPO			
	143.	11/09/2000	WO 00/66206 ✓	WIPO			
	144.	12/21/2000	WO 00/76673 ✓	WIPO			
	145.	01/25/2001	WO 01/05459 ✓	WIPO			
M	146.	06/14/2001	WO 01/41732 ✓	WIPO			
M	147.	03/28/2002	WO 02/24158 ✓	WIPO			

#### OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
M	148.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	149.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	150.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	151.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society</i> . 966-974.
	152.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology</i> . 32(5):591-600.
	153.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology</i> . 93(3): 619-628.
	154.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
M	155.	Gonda,I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <i>The Lung: Scientific Foundations</i> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.

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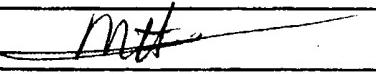
M	156.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry &amp; Behavior</i> . 36(1):1-7.
	157.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 $\mu\text{m}$ ," <i>J. Aerosol Sci.</i> 17(5):811-822.
	158.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
	159.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
	160.	Lichtman, A.H. et al. (1996). "Inhalation Exposure to Volatilized Opioids Produces Antinociception in Mice," <i>Journal of Pharmacology and Experimental Therapeutics</i> . 279(1):69-76.
	161.	Martin, B.R. and Lue, L.P. (May/June 1989). "Pyrolysis and Volatilization of Cocaine," <i>Journal of Analytical Toxicology</i> 13:158-162.
	162.	Mattox, A.J. and Carroll, M.E., (1996). "Smoked heroin self-administration in rhesus monkeys," <i>Psychopharmacology</i> , 125:195-201.
	163.	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
	164.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
	165.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE".
	166.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
	167.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
	168.	Seeman, J. et al. (1999). "The Form of Nicotine in Tobacco. Thermal Transfer of Nicotine and Nicotine Acid Salts to Nicotine in the Gas Phase," <i>J. Agric. Food Chem.</i> 47(12):5133-5145.
	169.	Sekine, H. and Nakahara, Y. (1987). "Abuse of Smoking Methamphetamine Mixed with Tobacco: 1. Inhalation Efficiency and Pyrolysis Products of Methamphetamine," <i>Journal of Forensic Science</i> 32(5):1271-1280.
	170.	Vapotronics, Inc. (1998) located at <a href="http://www.vapotronics.com.au/banner.htm">http://www.vapotronics.com.au/banner.htm</a> , 11 pages, (visited on June 5, 2000).
M	171.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology &amp; Therapeutics</i> 62(6):596-609.

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M	172.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry &amp; Behavior</i> . 55(2):237-248.
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